

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In Re Application of:****First Named  
Inventor:** Lewis Cheng**Serial No.:** 10/551,661**Filed:** September 30, 2005**Title:** Advanced Versatile Layout and  
Rendering System**Docket No.:** 102907-437NP**Examiner:****Group Art Unit:****DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY AND PLANT PATENT APPLICATION**

This Declaration is

☐ Submitted with Initial Filing.☒ Submitted after Initial Filing (surcharge under 37 C.F.R. 1.16(e) required).**As a below named inventor, I hereby declare that:**

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention as entitled above, the specification of which

☐ is attached hereto☒ was filed on 09/30/2005 as United States Application No. 10/551,661 or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
US 2004/10027	PCT	4/1/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

Application Serial Number(s)	Filing Date
60/459,329	4/4/2003

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application

Application Serial Number(s)	Filing Date	Status (pending, patented, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

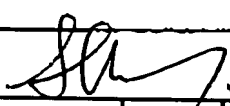
☒ Practitioners at Customer Number 24964 → [ Customer Number Bar Code Label]

☐ Practitioner(s) named below:

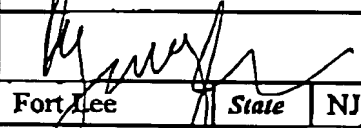
Name	Registration Number

☒ Please direct all future correspondence and telephone calls to:

<i>Attorney Name and Registration No.</i>	Richard I. Samuel, Esq. (Reg. No. 24,435)
<i>Firm Name</i>	Goodwin Procter LLP
<i>Address</i>	599 Lexington Ave
<i>City, State, Zip</i>	New York, NY 10022
<i>Telephone</i>	(212)-459-7021

<b>Name of Inventor</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
<i>Given Name (first and middle)</i>	Lewis	<i>Family Name or Surname</i>		Cheng			
<i>Inventor's Signature</i>					<i>Date</i>	04/28/05	
<i>Residence: City</i>	Mountain View	<i>State</i>	CA	<i>Country</i>	USA	<i>Citizenship</i>	Canada
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<i>City</i>	Mountain View	<i>State</i>	CA	<i>ZIP</i>	94040	<i>Country</i>	USA

<b>Name of Inventor</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
<b>Given Name (first and middle)</b>	Joseph			<b>Family Name or Surname</b>	Fusion		
<b>Inventor's Signature</b>					<b>Date</b>		
<b>Residence: City</b>	Portland	<b>State</b>	OR	<b>Country</b>	USA	<b>Citizenship</b>	USA
<b>Mailing Address</b>	214 NE 29th Ave., Portland, OR 97232						
<b>City</b>	Portland	<b>State</b>	OR	<b>ZIP</b>	97232	<b>Country</b>	USA

<b>Name of Inventor</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
<b>Given Name (first and middle)</b>	Kyung			<b>Family Name or Surname</b>	Lee		
<b>Inventor's Signature</b>					<b>Date</b>	4/20/05	
<b>Residence: City</b>	Fort Lee	<b>State</b>	NJ	<b>Country</b>	USA	<b>Citizenship</b>	USA
<b>Mailing Address</b>	1275 15th St. #5R, Fort Lee, NJ 07024						
<b>City</b>	Fort Lee	<b>State</b>	NJ	<b>ZIP</b>	07024	<b>Country</b>	USA

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : Not yet assigned  
First Named Inventor : Lewis Cheng et al.  
Attorney Docket No. : 102907-437NP  
Int'l Appl. No. : PCT/US2004/10027  
I.A. Filing Date : 04/01/2004  
Priority Date : 04/01/2003

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR  
SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHERE  
AN INVENTOR IS UNAVAILABLE TO SIGN AND ON BEHALF OF ALL THE  
INVENTORS WHO REFUSE TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(B))**

I, Lewis Cheng, hereby declare as follows:

1. I am a citizen of Canada currently residing at #34B, 3 Seymour Road, Mid Levels,  
Hong Kong.
2. I am Cofounder and Partner of, and authorized by the following juristic entity with  
sufficient proprietary interest in the above-identified application:

Planetii USA, Inc.  
2311 City Place  
Edgewater, NJ 07020

**USA (hereinafter "Planetii")**

3. By virtue of Planetii's proprietary interest, I sign this Declaration on behalf of, and as agent for the following non-signing inventor who either refuses to sign or cannot be found or located. The name and last known address of the non-signing inventor is:

Joseph Fusion  
214 NE 29<sup>th</sup> Avenue  
Portland, OR 97232  
USA

4. Upon information and belief, I aver those facts that the inventor is required to state, 37 CFR 1.64(b).
5. To preserve the rights of the parties and to prevent irreparable damage, it is now necessary for Planetii to make application on behalf of and as agent for the above nonsigning inventor pursuant to 37 C.F.R. § 1.47(b) because the filing date of this application is required to make a claim of priority to International Application Number PCT/US04/10027, filed April 1, 2004, entitled "Advanced Versatile Layout and Rendering System," which claims priority to U.S. Patent Application 60/459,329, filed April 1, 2003.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such false statements may jeopardize the validity of this document and application to which it relates.

Date: September 27, 2005

  
LEWIS CHENG



## **Exhibit C**

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office's official facsimile number 571-273-0459 on August 17, 2006.

Robert P. Udal      8/17/2006  
Robert P. Udal      Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. : 10/551,661  
Filing Date : September 30, 2005  
Inventor : Lewis Cheng et al  
Atty. Docket No. : 102907-437-NP  
Int'l Appl. No. : PCT/US2004/10027  
Int. Appl. Filing Date : April 01, 2004  
Title : ADVANCED VERSATILE LAYOUT AND RENDERING  
SYSTEM  
I. A. Filing Date : 04/01/2004  
Priority Date : 04/01/2003

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF ROBERT P. UDAL IN SUPPORT OF SECOND RENEWED  
PETITION FOR FILING ON BEHALF OF NON-SIGNING INVENTOR(S)**

I, Robert P. Udal, declare as follows:

1. I am a patent agent with Goodwin Procter LLP, Applicant's legal representative of record in this case.
2. This declaration is submitted in support of Applicant, PLANETii's Petition for Filing on Behalf of Non-signing Inventor(s).
3. I have thoroughly reviewed the contents of the Goodwin Procter's file of the above-identified patent application.

4. According to a printout of an e-mail by Patrice A. King, a former Goodwin Procter Attorney, who was responsible for the above-noted application, copies of Declaration of Inventorship, Patent Assignment and PCT Publication No. WO 2004090739 were sent from Patrice A. King e-mail account, via an e-mail dated 12 April 2005, to Mr. Joseph Fusion at e-mail address [jfusion@monkey.org](mailto:jfusion@monkey.org). A copy of the e-mail printout is hereto attached as **Exhibit C-1**.

5. Also according to the e-mail printout the same e-mail text and attached documents were simultaneously sent to Mr. Lewis Cheng. The e-mail also contained the phrase "Via E-mail and Federal Express."

6. According to the Goodwin Procter's Application file a FedEx Label, dated 13 April 2005, was created for the Federal Express mail referenced in the e-mail printout identified in paragraph 4. A copy of the FedEx Label is hereto attached as **Exhibit C-2**.

7. The FedEx label discussed in paragraph 6 was stapled to a letter addressed to Joe Fusion. A copy of the letter is hereto attached as **Exhibit C-3**. According to this letter a Declaration of Inventorship, Patent Assignment and a copy of the published application were concurrently sent via the FedEx mail to Mr. Fusion. The letter also instructed Mr. Fusion to return a copy of the executed documents to Goodwin Procter via e-mail or facsimile and by mail.

8. Also according to the Goodwin Procter's file a reminder e-mail dated 17 May 2005 and having the word "REMINDER" in the Subject and the Body of the e-mail, was sent to Joseph Fusion at [jfusion@monkey.org](mailto:jfusion@monkey.org). A copy of the printout of the reminder e-mail is hereto attached as **Exhibit C-4**.

8. According to the Goodwin Procter's Application file a reminder letter dated 13 April 2005 and stamped with the word "REMINDER" and the phrase "DEADLINE OCTOBER 1, 2005" was sent to Mr. Fusion. This copy of the reminder letter was stapled to FedEx Label dated 15 September 2005 and addressed to Joe Fusion. A copy of the reminder letter and a copy of the FedEx label are hereto attached as **Exhibit C-5**.

9. Also according to the Goodwin Procter's file a reminder e-mail dated 19 September 2005 and having the phrase "URGENT REMINDER" in the Subject and the Body of the reminder e-mail and addressed to [jfusion@monkey.org](mailto:jfusion@monkey.org) was sent to Mr. Fusion. A copy of the e-mail printout is hereto attached as **Exhibit C-6**.

10. According to employment agreement between Mr. Joseph Fusion and PLANETii, "PLANETii shall be considered the author of PLANETii Materials for all purposes and the owner of all the rights comprised in the undivided copyright....in and to PLANETii Materials and of any and all other rights in PLANETii Materials including patents, trade secret rights, trademarks and other proprietary rights." A copy of the employment agreement is hereto attached as **Exhibit C-7**. (See second page, third paragraph)

14. Based on the aforementioned and **Exhibits C-1 through C-7**, it appears that copies of the Declaration of Inventorship, Patent Assignment and Published application were sent to Mr. Fusion and he was reminded multiple times both via mail and e-mail to execute application documents and to return the executed documents to Goodwin Procter. Moreover, it appears Mr. Fusion was under obligation to assign his rights to the invention disclosed in the instant application to PLANETii as detailed in his employment agreement.

15. As of the date of this Declaration neither Applicant, Planetii, nor Applicant's legal representative (Goodwin Procter) has received executed application papers from Mr. Fusion.

Therefore, Mr. Fusion, by his conduct, has refused to execute the Applicant's patent application and it is unlikely that he will return signed Declaration of inventorship and/or Patent assignment for the instant patent application before or after the time period for response to the Notification of Missing Requirements expires.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such false statements may jeopardize the validity of this document and application to which it relates.

Date: 8/17/2006

Robert P. Udal  
Robert P. Udal